

Dooling Ranch Irrigation Improvement Projects

Environmental Assessment Decision Notice

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
July 2010**

Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposed to provide funding for and implement a project installing the following structures:

- One pin and plank type headgate (3-feet wide and 3.5-feet high) and a two-foot wide irrigation water measuring device at one point of diversion on Berry Creek, and
- One pin and plank type headgate (3-feet wide and - feet high) and a two-foot wide irrigation water measuring device at two points of diversion on Little Swamp Creek.

Previously there were no headgates or measuring devices at either of these locations.

This project was completed by the contractor in November of 2009 prior to receiving a "Notice to Proceed" from FWP. This irregularity was resolved by a post-construction Class III cultural resource inventory that was completed by GCM Services Inc. on June 21, 2010. The results of the inventory state that the project had no effect to cultural resources. The results of the inventory were provided to the Montana State Historic Preservation Office.

Montana Environmental Policy Act

The FWP is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on October 26, 2009.

Public comments on the proposed action were taken for 26 days (through November 20, 2009). The EA was mailed to 24 individuals and groups, and legal notices were printed in the *Montana Standard* (Butte, MT) and the *Dillon Tribune*. The EA was also posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>.

Summary of Public Comment

One public comment was received during the 26-day review period.

Comment 1. The Montana State Historic Preservation Office recommended that a cultural resource inventory be conducted in order to determine whether or not sites with cultural properties exist at the project sites and if they would be impacted by the proposed action.

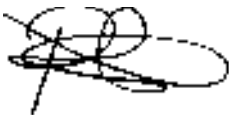
Response: A Class III cultural resource inventory was completed by Dave Ferguson of GCM Services on June 21, 2010. The results of the inventory state that there are no cultural sites or properties located within the project sites. There was no indication that the completion of the proposed actions disturbed any cultural resources. A copy of the cultural resource inventory report was mailed to the Montana State Historic Preservation Office.

Final Environmental Assessment

This project was initiated by the contractor prior to receiving a "Notice to Proceed" from FWP. This irregularity was resolved by a post-construction Class III cultural resource inventory as described above. Given the results of the cultural inventory, there are no modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment, public comment, and the need to preserve fluvial Arctic grayling, its habitat and streamflows in the upper Big Hole River watershed, it is my decision that the projects on Berry Creek and Little Swamp Creek had no significant impacts on the human and physical environment. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



Patrick J. Flowers
Region Three Supervisor